

THE LORD PRESIDENT'S
MEDICAL ACT (18⁶8) AMENDMENT BILL.

A LETTER.

BY

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MEDICAL ACTS AMENDMENT BILL.

SIR,—I feel that no apology will be required for my seeking at your hands perusal of some remarks upon a Bill, the importance of which to the public weal can be readily overlooked, in consequence of a but too prevalent feeling that a Medical Bill can possess but professional interest, and that it is a subject about which the general public need not trouble itself. A perusal of the following observations will, I trust, tend to prove that a more unfortunate misconception on the part of the public could not possibly exist, and that it behoves them to take a lively and active interest in a measure which hereafter must materially affect their health, and possibly their lives; for the Bill at present before Parliament owes its origin to the undoubted fact that men not unfrequently gain access to our ranks who, so far as general and professional information go, are unworthy of admission, and yet to the care of such men may dear and valuable lives be entrusted, with a result that may be readily anticipated, but, when the fatal event occurs, can never be

remedied. The mistake in diagnosis, the error in treatment may be bitterly deplored, but unavailing life-long sorrow is all that will remain to the survivors. The utterly selfish may possibly console themselves with the idea that resident in a wealthy locality, or in some large city, they can always command the best medical services; but they should bear in mind that even they cannot dictate to disease the precise locality in which it shall invade their household, and it may be in some far distant hamlet on their summer tour that the dearly-prized wife, the tenderly-loved child, or the strong man himself, may be overtaken by accident or disease, and fall victims to that with which this Bill proposes to cope, the possible incompetency of a legally-qualified medical practitioner.

Clearly, to comprehend this question, it is essential for the public to know that at the present time there exist in the United Kingdom nineteen bodies legally entitled to issue to candidates their qualifications to practice; and most of these bodies granting more than one title, it comes to pass that there exist some forty or fifty distinct titles, in virtue of which a practitioner can be placed upon the Medical Register, without being which, although not debarred from practice, he is deprived of many, and in some instances of important, privileges. The nineteen bodies en-

titled to grant these qualifications may be divided into two great classes,—the Universities and the Corporations, such as the Colleges of Physicians, of Surgeons, &c., &c. Many of these bodies depend solely for their support upon the fees derivable from such pupils as *successfully* pass their examinations, the all but universal rule being to return to an unsuccessful candidate the larger portion of the fee that otherwise would have gone to pay for his diploma, and hence arises a temptation on their part to pass on easier terms than their neighbours, candidates for their qualifications; and this temptation has in some quarters proved so strong, that the evil thence arising can no longer be tolerated, and to remedy this state of affairs the Lord President, in a truly praiseworthy spirit, has, at a vast sacrifice of time, energy, and ability, framed the Bill, the title of which heads these observations.

This Bill, as originally introduced, contained a clause prohibiting all the nineteen licensing bodies from granting any of their medical qualifications to any party, unless he should previously have passed an examination conducted by a Board (for the formation of which provision exists in the Act), which should pronounce upon his competency to be placed on the Medical Register, and after which examination only, it would be competent for the several licensing bodies to confer upon a candi-

date any one or other of the titles in their power to grant. Hereby it was hoped to secure uniformity of medical examination throughout the United Kingdom, and to provide for the public service practitioners in whose medical skill a fair amount of confidence might be placed.

To this most reasonable proposition a storm of opposition was raised, strange to say not by the Corporations, but by the Universities. My reason for using the words “strange to say,” is that the Corporations mainly, if not altogether, depend for their support upon the fees paid them by the successful candidates for their qualifications, whilst the Universities are not so dependent, their funds being also recruited from the fees paid in their other faculties, such as of divinity, of arts, of law, of engineering, &c., and in numerous instances they are also otherwise richly endowed. All the Universities acknowledge the crying nature of the existing evil,—all profess themselves anxious, effectively, to carry out the objects for which they originally were founded — the advancement of knowledge; and yet by their outcry have they most seriously damaged, as I shall presently show, the Lord President’s Bill in its most material feature. The opposition on the part of the Universities is capable of being reduced to one of two heads—an opposition founded upon sentimental principles, or upon pecuniary considera-

tions. Let me consider the least worthy of these two motives first,—It may be, and probably is, true that the pecuniary interests of the Universities will suffer, but so also will those of the several Corporations; and yet are they prepared to submit to a loss which hereafter must redound to the advantage of the public and to the honour of our profession. As to the “sentimental” grounds of opposition, the Universities assert that they never have sinned in the direction complained of, and that, therefore, it is unjust to inflict upon them a punishment which should be reserved only for the guilty parties; but the same remarks apply with equal force to many of the Corporations (notable amongst which is my own College); and yet, for the public good, are they willing to bend their backs to the rod. Again, the Universities complain that were such a provision to become law, they would be debarred from conferring their honorary medical degrees upon gentlemen who had distinguished themselves by their scientific pursuits, and who would never dream of using them as qualifications to practice. But, surely, some clause might be introduced into the Act, whereby all such privileges would be saved; and even were such impracticable, are the vital interests of the millions to be sacrificed to the decoration of the units?

Coerced by this storm of opposition, the Lord

President has so modified this important clause that, as it now stands in the Bill, it only prevents such of the bodies as issued in the past qualification termed "Licenses" from doing so in the future, leaving all the nineteen bodies the power of conferring every one of their other titles (in the aggregate some two score in number) upon whom they please, without their having undergone what may appropriately be termed the "State" examination. 'Tis true that no medical man can be *registered* until he shall have passed the State examination, and that if he assumes any medical title, such as that of "Dr." he shall be subject to a penalty of twenty pounds. But the advantages attending upon registration, in the opinion of some of our practitioners, and that of men in the receipt of large professional incomes, are of so trifling a character that they never yet have entered their names on the Medical Register, although the Act has been in force since 1858. And, as to the assumption of medical titles, why some of the very largest professional incomes in these countries are worthily enjoyed by gentlemen who call themselves simply "Mr." But, even if they do assume the title of Dr., is it likely that in practice it would be found possible to enforce the penalty of twenty pounds upon the medical graduate of a University for calling himself by that title, of which he is the legal possessor, and in the conferring of which the

University is sanctioned by the very self-same Act which would seek to inflict the penalty ?

A far more vital blot, however, exists in this Act than any hitherto noticed ; a blot, too, which will completely frustrate the very object for the attaining of which alone the Act was framed. A provision has been introduced into it whereby the General Medical Council, subject to the approval of the Privy Council, are authorized to accept from candidates for the State license certificates derived from other sources than the State Examining Board, and which will exempt them from being tested as to their knowledge on these subjects by the State Board, of proficiency in what are termed the "Fundamental Medical Sciences," these fundamental sciences comprising those very subjects which the pupil finds it most difficult to master, and which yet are by far the most important in forming the future well educated physician or surgeon. The exemption is intended only to be exercised, I presume, although not so expressed in the sub-clause in question, in favour of such bodies as appear to the Medical Council to require an equal amount of information to that which will be expected by the State Examining Board ; but the very great majority of the General Medical Council is composed of the representatives of the present existing licensing bodies, and, under these circumstances, what guarantee will the public

have that such exemption will only be exercised in favor of the worthy to the exclusion of the unworthy bodies? The suspected party will form a portion of the jury which is to sit in judgment: how can an unbiassed verdict be expected? The records of the proceedings of this very Council would, if searched, point the moral of this portion of my argument,—inasmuch as, upon one occasion, a certain licensing body was arraigned before it, and only escaped the verdict “Guilty” by the casting vote, if not of its own representative, yet of one high in its Council. It being, therefore, but fairly to be presumed that the certificates upon those most appropriately so styled “fundamental” medical sciences will be accepted by the General Medical Council from each of the several nineteen medical bodies as evidence sufficient to exempt the student from having his knowledge of these most difficult and important subjects tested before the State Board, the temptation remains as strong as ever to unworthy bodies to beguile students by easy examinations to their Institutions, and so to swell their annual receipts. How long, in the interest of the public, will the practice be tolerated that a candidate rejected at one Board for gross ignorance shall be permitted to proceed to another without loss of time or further preparation, and procure from it its qualification entitling him to practice? That such is the existing condition of

affairs I am in a position to prove, and that such will continue to prevail, in despite of the provisions of the proposed Act, I confidently assert : an Act which would remedy these evils by simply adding three other to the existing nineteen portals through which a pupil can gain access to our profession ! This crying evil has but one effectual remedy,—to insist upon the re-introduction of the clause as originally proposed by the Lord President, whereby every student will be compelled to pass the State Examination before it shall be competent for any of the licensing bodies to confer upon him any medical or surgical title. Thereby alone can uniformity in medical education and examination be insured, and unworthy competition between licensing bodies be defeated. One of the pleas put forward on behalf of the Universities is that it is unjust to strip them of privileges conferred on them ages ago by Royal Charters. This argument would have an *ad captandum* appearance of justice were it not that the Corporations also have their charters, many of them dating from an early period of English history, and yet are they to be deprived, without compunction, of their privileges, whilst those of the Universities are to be respected ; a species of partial legislation that will not bear a moment's examination. If the public is to derive that protection from this measure to which it is

so justly entitled, let the objections of the Universities, whether based upon sentimental or pecuniary grounds, be cast to the winds. With the view of raising the social standard of my profession, I, personally, am not only prepared, but most anxious, to exempt from the operation of this Act all such Universities as require graduation in arts as a preliminary step to graduation in medicine. By such an exemption no hardship would be inflicted upon any University, as it would always be in the power of every University to qualify itself for such exemption. Universities should have but one object in view,—to elevate the standard of general education. Some of them richly endowed in days of yore by princely benefactors,—others fully, even lavishly, supported by the State,—they derogate from their position when they enter into competition with Corporations in granting their medical qualifications on other than the highest evidence of an arts' education. Nothing will ever tend more successfully to raise the profession of medicine to a level with that of divinity or of law, as the highest possibly attainable standard of preliminary education.

Having thus briefly alluded to the objections that may be advanced upon the part of the public to the proposed measure, it only remains to add a few words as to the objections to which it is open

on the part of the profession for which it is intended to legislate. For years past have the profession been complaining that their voice is silent in the Medical Council, inasmuch as that they are not directly represented upon that body. Repeatedly have they drawn attention to the injustice of their being heavily taxed for the support of a Council in the election of the members of which they have no voice; yet, in despite of a remonstrance signed by some ten thousand of the general practitioners throughout the United Kingdom, it is endeavoured now to pass a Bill which completely ignores their sentiments and their wishes. The very fact of this Bill becoming law renders it more imperative than ever that some provision should be introduced into it for the direct representation upon the General Medical Council of the registered medical practitioners throughout the Empire, inasmuch as that, through its operations, after some years, a large class of practitioners will be licensed who need not necessarily have any connection either with Universities or Corporations, and who in that case, if not thus represented, will have no voice in regulating the proceedings of the General Medical Council. And, in conclusion, it only remains to be stated that, in the unanimous opinion of such important Corporations as the College of Surgeons in England, and the College of Surgeons in Ireland, Corporations which

hitherto have in a faithful spirit provided for the public and civil services competently qualified medical men, clause 18, as originally framed by the Lord President, should be re-introduced into the present Bill.

